

### **Remarks**

The paragraphs of the Office action are responded to through the corresponding numbered paragraphs below. The applicant has addressed each issue in turn and, for clarity, has provided a heading for each issue.

1. The Examiner indicated that the applicant's election without traverse of claims 1-16 is acknowledged. The applicant believes that no specific response is required for this paragraph.

### ***Drawings***

2. The Examiner indicated that "this application was filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed." The applicant is submitting with this response substitute formal drawings. These substitute drawings contain no new matter and applicant is submitting them to meet the formal requirements of the Office.

### ***Claim Rejections - 35 USC § 112***

3. The Examiner provided the citation to the second paragraph of 35 U.S.C. § 112. The applicant believes that no specific response is required for this paragraph.

4. The Examiner rejected claims 1-16 under 35 U.S.C. § 112, second paragraphs, stating that claim 1 does not disclose who receives product information. The applicant has requested that claim 1 be amended to more clearly point out that product information is received to a database, as described on page 2 of the application. The applicant believes that this requested amendment is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

***Claim Rejections - 35 U.S.C. § 101***

4. The Examiner provided the citation to 35 U.S.C. § 101. The applicant believes that no specific response is required for this paragraph.

5. The Examiner rejected claims 1-16 as being "directed to non-statutory subject matter." The applicant has requested that claims 1-16 be amended to more clearly point out the technology associated with the steps necessary to accomplish the desired process. The applicant believes that this requested amendment is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

***Claim Rejections - 35 U.S.C. § 102***

6. The Examiner provided the citation to 35 U.S.C. § 102, which form the basis for the rejections under this section in the Office action. The applicant believes that no specific response is required for this paragraph.

7. The Examiner rejected claims 1-5, 7-14 and 16 "under 35 U.S.C. 102(e) as being anticipated by Bezos". The applicant has requested that claim 1, on which claims 2-5, 7-14 and 16 depend and which incorporate all of the limitations of claim 1, be amended to more clearly point out that in applicant's invention the "refining" step includes analyzing the product placement activity and sales transactions and e-commerce marketplace filters of an on-line marketplace; optimizing the e-commerce channel mix and product offerings by placing said product template in an appropriate time and marketplace based on said product placement activity and sales transactions. The applicant believes that the combination of steps, as defined in the amended claims, is neither described nor suggested by the cited or any other known references. Since claims 2-5, 7-14 and 16

depend on claims 1, which the applicant has amended, the applicant believes that this requested amendment is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

***Claim Rejections - 35 U.S.C. § 103***

8. The Examiner provided the citation to 35 U.S.C. § 103(a), which form the basis for all obviousness rejections under this section in the Office action. The applicant believes that no specific response is required for this paragraph.

9. The Examiner rejected claims 6 and 8 "under 35 U.S.C. 103(a) as being unpatentable over Bezos U.S. Patent No. 6,029,141, in view of Official Notice". As noted above, the applicant has requested that claim 1, on which claims 6 and 8 depend and which incorporate all of the limitations of claim 1, be amended to more clearly point out that in applicant's invention the "refining" step includes analyzing the product placement activity and sales transactions and e-commerce marketplace filters of an on-line marketplace; optimizing the e-commerce channel mix and product offerings by placing said product template in an appropriate time and marketplace based on said product placement activity and sales transactions. The applicant believes that the combination of steps, as defined in the amended claims, is neither described nor suggested by the cited or any other known references. Since claims 6 and 8 depend on claims 1, which the applicant has amended, the applicant believes that this requested amendment is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

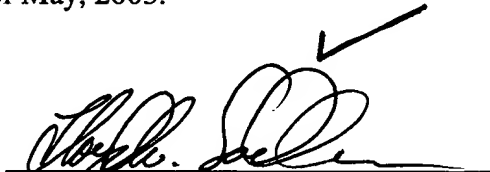
***Conclusion***

10. The Examiner noted that certain "prior art" is made of record and not relied upon is considered pertinent to the applicant's disclosure. The applicant appreciates the Examiner's search and respectfully requests that this "prior art" be listed among the cited references in this case upon allowance.

11. The Examiner has provided information concerning communication and/or inquiries concerning this case. Applicant appreciates the Examiner's willingness to communicate and assistance regarding this case and believes no response to this paragraph is necessary.

The applicant has requested that claims 1-16 be amended as described. Applicant believes that all issues and points of the Examiner's Office action have been addressed. Applicant believes that claims 1-16 are patentable over all known prior art. Applicant respectfully requests reconsideration and allowance of this application.

Respectfully submitted this 3rd day of May, 2003.



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